RESTORATIVE JUSTICE, RESTORATIVE PRACTICES AND COVID–19

Restorative justice services and practitioners did not stop working during COVID–19, but adapted their practice and training for online, telephone and socially distant delivery. They also used their skills to respond to conflicts and meet needs arising from the virus and the strict public health regulations, such as lockdowns and social distancing. This brief outlines some restorative services and practices during the period of March–September 2020.

Restortaive Justice

Restorative justice is an approach to justice oriented towards repairing – as much as possible – the harm caused by a crime and/or conflict. A core element of restorative justice is the active participation of the parties involved, namely victims, offenders and, when applicable, community members, who voluntarily come together with the help of a facilitator to talk about the harm and its consequences and identify means for repairing such harm.

Providing restorative justice during the pandemic

Facilitation procedures

Restorative services considered a range of issues as they explored using online platforms for restorative dialogue. Questions emerged around participant safety and confidentiality and the potential problems with information security. In terms of facilitation procedure, restorative services devised plans for initiation, preparation, facilitation, and writing outcome agreements online. They adapted the information and support given to participants during video conferencing. Some digitised materials such as needs cards, consent forms and outcome contracts.

Benefits and challenges of online practice

Practitioners and services reported a range of benefits, concerns and challenges arising from online practice.

1. Practitioners: Some feared that a face–to–face experience and emotional transformation would be impossible to replicate or achieve online. Others feared that online practice would hinder the interpretation of body language and eye contact and that their skills would not always translate online.
2. Technology: Some clients could not participate in online practices because of access to devices and internet connections. This was a bigger challenge when addressing clients with vulnerabilities, although getting specialist supporters for them was easier. Other issues concerned privacy matters and the risk of bias with facilitators, although being at home also meant that a participant's humanity added to the intimacy of the conference.
3. Physical distance: Some practitioners found it easier to engage participants, especially if geography previously hindered participation. Many acknowledged that those who engaged online or over the phone still had a valuable experience. Some clients felt protected because of the distance between them and the other person, which reduced their anxiety. Clients were also often more comfortable opening up online than practitioners expected, although some concerns remained that the online medium may generate a false sense of psychological security.

It is unsurprising that restorative practitioners were able to reimagine a process that traditionally relied on face–to–face contact, as courts, tribunals and other justice spaces around the world have undergone a similar transition. Echoing their concerns, some judges were anxious and skeptical when transferring their work from the courtroom to telephone or online. As months passed and online work continued, some restorative practitioners reconsidered

the belief that online engagement was necessarily inferior. Many services committed to maintaining its availability but warn that online work must not become the new default. Practitioners felt that clients could be empowered to determine with which medium they are most comfortable and is most likely to suit their needs.

Using restorative practices during and after lockdowns

Restorative practices were widely used to provide support for citizens and professionals during the crisis, and to respond to new conflicts in innovative ways. Some of the lessons learnt:

- *Restorative responses to breaches of public health regulations*
    - An example of practice is the use of virtual circles for young persons that breach regulations foreseen to stop the spread of COVID-19. The goal is to enable the young people to express their needs and to reflect on the purpose of the regulations, while diverting them from possible sanctions.

- *Managing participant vulnerability:* A key concern for practitioners was how to support people who express very serious vulnerability (such as self-harm) or become overwhelmed with emotion during online meetings.
    - Some practices to address participant vulnerability have included the use of check-in strategies, through online means or telephone, with anyone who was visibly distressed during online group meetings.

- *Online support circles and community work:* Many practitioners used online support circles with colleagues, students and clients, or other groups within their social or professional circles. Some ideas for practice are:
    - Using social media for organizing and delivering online restorative cafes for youth during lockdown.
    - Using social media groups to offer RJ skills for conflict resolution and mediation in community settings.
    - Delivering online circles to support work colleagues by providing a space to discuss the effects of the pandemic in their work and lives.
    - The delivery of restorative circles for health workers, victims of COVID-19 and survivors.
    - The training of local authority staff in "listening hubs" to talk about their anxieties and issues regarding the return to the workplace.
    - The use of online restorative guidelines and tools to support staff and clients/service users to transition to a post-lockdown world. As an example, Restore Our Schools is a seven-point model – recognition, empathy, safety, trauma, opportunity, relationships and engagement – to stimulate people's thinking and encourage them to make collective decisions about how to move forward into a healthy 'new normal'. Although the model was developed for schools, it applies equally to any organisation.

The need for truth, storytelling and reconciliation

Over a short period of time, the COVID-19 pandemic took the lives of thousands of people under unprecedented circumstances, citizens have been forced to engage with regulations that in many cases have limited fundamental freedoms. Discussions around truth and reconciliation have fostered restorative initiatives to address the complexity of the needs of COVID-19 survivors, families and communities. People need the opportunity to speak about their experience of recent months and feel heard and validated by others; restorative practice can help structure this.

An impassioned case for truth and reconciliation in Italy as an alternative to punitive, criminal approaches to seeking accountability has been presented. It argues that people need spaces to tell their stories and feel heard, in which accountability is not precluded by legal procedure and criminal sanctions, and which allows for collective decision making about how to prevent such harms from reoccurring as far as possible.

For example, a local restorative group in Northern Italy illustrated the kind of restorative work that could occur. In late June, they facilitated a series of circles for their community, attendees at which included medical professionals, people who were hospitalised, lost family members, or continued working in other frontline roles, such as in stores, during the crisis. Their initial circles reflected raw emotion and grief, while later meetings enabled participants, having expressed their emotions, to consider their longer-term needs.

Resource kit

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– EFRJ. See the Restorative Blog for further articles: https://www.euforumrj.org/en/restorative-blog

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A more extensive version of this brief with responses by two experts will be published in *The International Journal of Restorative Justice* in its second issue of 2021 (https://www.elevenjournals.com/tijdschrift/TIJRJ/detail).

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